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PACE S

AY, JANUARY to have been a monogoty to the medical at

TUESDAY, MARCH 9, 1886.

ipreme Court of the Hawalian Islands-In Banco, January Term, 1886. WA, AKONA AND AIKO, VS. J. M. HORNER, ALDERT HORNER, JAY M. HORNER AND MELE, (W.)

Opinion of the Court per JUDD C. J. The case comes to this Court on the following statement by Mr. Justice Preston from the

"This is an action of ejectment to recover or undivided moiety of a parcel of land containing one hundred and twelve acres, situate it Keknalele and Kainikneiki, Hamakua, Hawaii, which the plaintiffs claim as the heirs at law of one Haili, one of the patentees of the land. "The plaintiffs produced a Royal Patent (Grant) No. 2439 issued to Pi and the said Haili, their heirs and assigns, and claimed that

the patentees were tenants in common.

'The defoudants on the contrary claimed that the patentees held the land as joint tenquested me to reserve the question for the consideration of the full Court, pursuant to Section 832 of the Civil Code, which I con-

"The question therefore is: Did the said Haili and Pi hold the land as tenants in com-mon or as joint tenants." BY THE COURT:-It is somewhat remark-

able that a question so important as this, inshould not have been sarlier presented to the Court for adjudication. Says Washburn, in "Real property," p. 407 "By the common law in England, where estate is conveyed to two or more persons

ithout indicating how the same is to be held, will be held to be in joint tenancy, upon the udal idea that the services due to the lord hould be kept entire."

But the common law is not in force in this Kingdom proprio vigore. It has frequently seen so held by this Court. That we are, howver, free to adopt the reasonings and princi-les of the common law is undoubted. This

actionity is expressly conferred upon the Court by Sections 14 and 824 of the Civil Code. To do this we must be satisfied that the prin-ciple to be adopted is "founded in justice and in conflict with the laws and customs of Upon careful consideration we think it would e nuwise to adopt the principle contended for

Mr. Washburn says, id. 405: "The policy f the American law is opposed to the notion f survivorship, and therefore regards such status as tenants in common. In many of the States the rule of survivorship is abolished by statute, except in case of joint trustees, while others all estates to two or more persons re taken to be tenants in common, unless ex-ressly declared to be joint tenancies by the

leed or instrument creating them, with a sim-In this Kingdom, as in the States, there are o feudal tenures existing, requiring services om the land holder to the lord paramount. The reason therefore for the rule has no exist

raons, it was their expectation that it should escend to the heirs of each of them and not to the survivor of them. We believe it to be true also, that such conveyances have been generally understood and treated in this Kingom as creating estates of tenancies in commot and we ought to hold for the protection and peace of land titles that such is the law of the untry. The conveyance before us is a Royal Patent

Grant by the King, representing the Gov-nment, to two natives who have no apparent lation to each other, of 112 acres of land at 25c. per acre. Certainly when these men bar-gained for the land, if they had supposed that by the fact that they took this land by virtue of the same conveyance, they thus were beming joint tenants, and that the land would to the survivor, it would have been ite competent for them to obtain separate its. Moreover we think the words in the eirs, or as it may be translated "the heirs of hem two," have force in favor of the contention that a tenancy in common was intended. We are therefore of the opinion that Haili and Pi, the patentees held the land as tenants n common and remand the case to Mr. Justice reston to be decided in accordance with this

hurston for Horners, A. Rosa for Mele-Honolulu, February 24th, 1886.

In the Supreme Court of the Hawaiian Islands-In Banco. As of January Term

THE KING VS. AR LEE AND AR FU BEFORE JUDD, C. J., MOUTLEY AND PRINTEN, J. J. ion of the Court by PEESTON, J. At the last term of the Circuit Court for the ed Judicial Circuit held at Lahaina in

cember last, the defendants were convicted The evidence for the prosecution was to the effect that on the 29th of October last, H. G. Freadway, deputy sheriff at Walluku, entered the detendants' premises at Wailuke, under a earch warrant: that defendant, Ah Lee, was two stangs and a book were found on the table, and some money (\$98.05) in two drawers, also thirteen books under the table, and some lottery tickets, and other lottery apparaments. us; some of these articles were found under the mattrass upon which Ah Lee was lying. The witness, Treadway testified as to the manner in which the drawings were conducted. The defendant, Ah Fu, was found in a room nstairs preparing to escape, and other papers

vere found in this room,

Al Mau testified that he purchased lottery tickets from Ah Fu, one day in the last week in October, (for one Aki) paying \$2.95 for them: that the money was paid to Ah Fu, who handed it to Ah Lee: that Ah Lee took a lot-tery ticket which be handed to Ah Fu, who ave it to witness, who delivered it to Aki-int the ticket (produced) was the lottery eket and it did not win: that the books, stamps

and papers produced were for use in connec-ion with a lottery. Aki testified to giving money to the previous vitness to purchase lottery tickets, on October 6th, and received the ticket produced; that he took the ticket to defendant Ah Lee, who told him it had not drawn anything; that he never got his money back. The books seized by Treadway contained accounts of the gains and losses of the lottery or bank.

For the defence the defendant, Ab Lee, tea ified that he did not know either of the witthem before bearing at the Police Court—did not sell the ticket—never saw it before prose-cution—heither of the witnesses, Ah Mau or Aki came to him before the prosecution for he purpose of buying or otherwise concerning a lottery ticket-and never had any dealings ith either of them.

Ali Fu, the other defendant, was called but

his evidence was not taken, as it was admitted by the prosecution that he would testify to the same effect as his co-defendant. The jury convicted the defendants.

The defendants excepted to the verdict a

against the law, and being contrary to the evidence, and gave notice of a motion for a The motion and exceptions were argued on he 19th inst., when Ashford, C. W. contended that there was no evidence of the sale of the lottery tickets by the defendants: that the defendants having tes-tified that they did not sell the tickets or have ger Royal Opera Honse, any knowledge of the witnesses, Ah Mau and Aki, it amounted to the testimony of two against one, as the witnesses only deposed to

separate transactions on different occasions, and that there was no evidence that any money had been lost or won by the defendants. The Attorney-General contended that the vidence was sufficient, and the jury having clieved the witnesses for the prosecution ew trial should not be granted. BY THE COURT; - Section 1, of Chapter XXIX, of the Penal Code enacts

"Whoever by playing at cards or any other game wins or loses any sum of money or thing of value is guilty of gaming." A lottery is a game within the meaning of this Section. If the evidence of the witnesses is believed, t must be the fact that these defendants won the money paid by Ah Man for the ticket pro It is not denied that the various articles

stated by the deputy sheriff in the rooms of the defendants were so found. the defendants were so found.

It was entirely a question for the jury as to whether they believed the defendants or the witnesses for the prosecution, and they having the right to convict, even upon the evidence of one witness, if they believed him, and having convicted the defendants, we think that according to the decisions of this Court a new trial should not be granted, and therefore overrule the executions with costs. Attorney-General for the Crown; Ashford & Ashford for defendants.
Henolulu, March 2nd, 1886.

Supreme Court of the Hawaiian Islands-In Banco. January Term. 1886. KONG KEE VS. KAHALEKOU.

MESONS JUDD C. J. MCCULLY AND PRINTER J. J. Opinion of the Court per JUDD C. J. China, Hongkong.

The plaintiff became, on the 4th of June written sheets giving information of the establishment.

PROSTERS. PROSTERS. MARGEAS

A Marshal's sale of the lease-hold of defend.

A. A. TODO.

By the lease a rent of \$20 was due in advance on the 1st of January and June of each year. Defendant demanded \$40 rent of the plaintiff soon after he purchased the lease. Plaintiff offered to pay for the six months in advance from June 1st, to last of December, pers still exist in the libraries of Florence.

appeared during delendants unlawful posses-

cribes a method of redress to a landlord it must be followed (citing Brener es. Chase, 3 Hawn, 130) and that the findings of tact were contrary to the evidence.

By THE COURT.—The lease contained a the conditions or covenants in such lease. (Compiled Laws p. 274.) The forcible entry was not justified. They are discountenanced n the law as leading to breaches of the peace. remedy and has by taking forcible possession of the store on the premises made himself liable, as bailed, for the goods of plaintiff

by the trial justice.
So far as the judgment on the facts is conerned we are obliged to treat it as if a jury had rendered a verdict. There was evider which the justice believed that an amount \$350 in cash was on the premises when de-fendant closed the store and took possession. Under repeated rulings of this Court such a

for defendant.
Honolulu, March 3rd, 1886.

Lawyers and Law-Makers Just one hundred years ago, in 1786, there

of Representatives, and exercised a sort of autocratic power in framing the laws upon the execution of which they were to fatten. As a matter of fact, there were then less than ninety lawyers in the whole State; and there were only fifteen members of the profession in the House of Representatives, of which they formed one-sixteenth part. It was there-

There has always been, and there is now, a opular feeling that our national and State gislatures contain too large a proportion of lawyers. If it be an evil, it is greater to-day than it ever was before. There are delegations in Congress from some even of the large States, which are almost exclusively com-posed of lawyers. Massachusetts, for exam-ple, sends almost as many members of the profession to represent her in Washington as he spends it with princely liberality. If at the head of the society of Athens, and she put, a century ago, into her own Legistertains a great deal. There are few kings Europe more royally housed than Dr. Sch

The proportion in Congress, of which more than two-thirds are lawyers, is much larger than it is in the British Parliament. The House of Commons lately elected contains one hundred and ten barristers and twenty-three solicitors. The two branches of the legal fifth of all the members. Yet even this is a larger proportion than is contributed by any ther profession or calling.

people generally attach but little importance to them. We must conclude that experience shows the members of this profession to be eculiarly fitted by their mental training for ogislative duties. No doubt familiarity with practical busi-

than the lawyer's. It will be found, on look-ing through our political history, that almost very statesman of the first rank, whether resident, Senator, Representative, or Cabinet Minister, was a lawyer or an editor. Even Andrew Jackson was a judge before he was

lican and Democratic parties have had in all twenty-seven candidates for President and Vice-President. Nineteen of them were law-years, three were editors, and four wore gen-It is a mistake to think that any considerable part of the laws passed by a Legislature belongs to the class of laws which make cases for the courts, and bring fees to members of the legal profession. It is a slander upon the lawyers who sit in our Legislatures to say that they favor bills which will increase the number of suits, or the cost of litigation The truth is, that great legal reforms have are not only suggested by lawyers, but find in the profession their most intelligent and effici-ent advocates. A Legislature wholly composed of lawyers no State should have o ourse. But it is well that this calling furnishes usually the largest contingent to our law-making bodies,—Exclusive.

All the World Akin.

four, since he had two grandfathers and grand-mothers. But each of these four had two parents, and thus in the third generation there are found to be eight ancestors—that is, eight grand parents. In the fourth generation the number of ancestors is 16; in the fifth, 32; in the sixth, 61; in the 7th, 138. In the tenth i has risen to 1,024; in the twentieth it becomes 1,648,576; in the thirtieth no less than 1,663, 751,834. To ascend no higher than the twenty. fourth generation we reach the sum of 16,777, 216, which is a great deal more than all the inhabitants of Great Britain when that generinhabitants of Great Britain when that generation was in existence. For if we recken a generation at thirty-three years, twenty-four of such will carry us back 792 years, or to A. D. 1093, when William the Conqueror had been sleeping in his grave at Caen only six years, and his son, Wilhiam II surnamed Rufus, was reigning over the land. At that time the total number of inhabitants of England could have been little more than 2,000,000, the amount at which it is estimated during the reign of the which it is estimated during the reign of th Conqueror. It is only one eight of a nue-teenth century man's ancestors if the normal ratio of progression, as just shown by a simple process of arithmetic, had received no check, and if it had not been bounded by the limits of the population of the country. Since the r sult of the law of progression, had there be roun for its expansion, would have been eight times the actual population, by so much the more is it certain that the lines of every Englishman's succestry run up to every man and every woman in the reign of William L from the King and Queen downward, who left descendants in the island, and whose progen has not died out there.—Popular Science

then and where the first newspaper appeared There is also an interesting query as to the fate of its projector. The Acla Dinras of the ancient Romans reported the proceedings of the Senate and did some news reporting in its way. It existed before the time of Julius Casar, and was prohibited by Augustus. Gus was an astate politician, and, not being able to use the Director, he suppressed it. The news items of the ancient Roman newspaper did not differ much from those of to-day, and it would appear that the repertorial style has descended unchanged from the noblest Roman of them all, a sixty-dollars-a-week reporter, probably, to the modern members of the fourth estate.

the same day a fire broke out in Pompey's garden's, which began in the night in the steward's apartment."

Gashmu, embalmed like a fly in amber, in Nehemiah vi, 6, was a sort of reporter around Jerusalem. He made up canards to damage the other party, so that there must have bee a Republican organ in those days. Venice sometimes said to be the birthplace of the newspaper. The Venitian Government, in the ear 1563, during a war with the Turks, issued

name gazette as applied to newspapers. The ments in a regular manner once a mont

The English Mercuric appeared in 1588, and was published occasionally as matters of even took place. It was followed by The Certain News of this Present Week in 1822. About

this time Burton wrote;
"If any read nowadays it is a playbook or pamphlet of news."

The first semi-weekly was published England in 1665. In 1680 the printing newspapers was prohibited in England. It supposed that there was a Stead around at this time. There was, at any rate, the profligat Charles II and the odious Cabal. The censor

ship of the press was abolished in England i 1695, and thereafter newspapers multiplied. The titles of the early English newspape Parliamentary speeches were attempted to be reported in 1662. In 1709 London had sixteen newspaper

outside of weeklies, one daily, twelve tri weeklies and three semi-weeklies.—Er. An Old Californian.

Dr. Schliemann is sixty-seven years old short and stout. He wears spectacles and moustache, is a German by birth, but is s othusiastic on the subject of Greeco-and Greece—that he has adopted the anguage Secrates as the language of his house, and : quirce his servants to take classic names. His butler is called Pelops and his cook Jocases Doctor married a Greek lady, who charmed him as much by her remarkable intelligenas by her extraordinary personal attractions. They have two children. The boy is named Agementon and the girl Andromache. The latter is just sixteen years old, and so exquis-itely lovely that, as I saw her glide across the marble hall, I funcied one of the Graces had been released from her marble imprison ment and, like Pygmalion's statue of ivery had assumed the human form. The beauti graceful figure. Besides her native tongs she speaks French, German and a little English. Notwithstanding the doctor's class surroundings, he is proud of the fact that he is an American citizen. He was a resident California at the time that State was admitt nto the Union, and he thus became an Ame ican citizen. Dr. Schliemann's taste for cla sical antiquities commenced when a school-boy, by reading of the deeds of the Grecial heroes at Troy. Leaving school at an early age, he entered a counting room in Germany where the labors were heavy and the salar small, but he saved all the money he coul and bought books, which he read in momen snatched from sleep. In this way he studie Greek. In the course of time he was prome ed and finally became a partner in an ind house. Having amassed a large fortune trade, he determined to carry out his le cherished design of exploring the ruins Troy, with what success the whole world familiar through his works on the subjec-During his excavations at Troy he had 3 men employed, and at Myccos 100. The ruins have been a mine of wealth to Dr. Schli mann, both in a literary and pecuniary sen-Articles dug up are of great value, both to th historian and the archeologist, and have commanded high prices from the great librari and museums of Europe and America. I Schliemann's income is \$50,000 a year, a

whole spot which is particularly agreeable all who are interested in Grecian history i literature.—S. F. Alia. General Advertisements.

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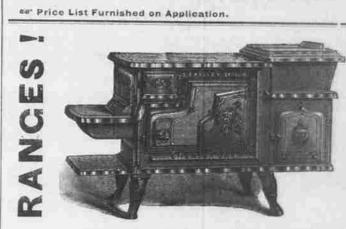
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'a he first day of September of each year, the acts time at will be made by, and interest on all some that is will be made up, and interest on all same that it have remained on deposit these months or more I unpaid, will be credited to the deposition, said from hat date form part of the principal;

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#### Hawaiian Gazette.

but said he was not required to pay the rent for the six mouths prior to his purchase. The defendant then ejected plaintiff from the premises by force, closed the store containing goods of plaintiff's and kept him out of pos-

session for two weeks.

This action is brought for damages for the polawful eviction including \$308 in money which plaintiff alleges was in his store when he was spected therefrom and which dis-

Mr. Justice McCully tried the case, the jury being waived, and found for the plainfiff S500 damages.

The case comes to us by exception from a finding of law that where the statute pres-

The titles of the early English newspapers were contrary to the evidence.

By THE COUNT:—The lease contained a provision for forfeiture in case of non payment of rent. We have provided for by statute a summary method by which a lessor can receiver possession of his premises in certain cases and among these where the tenancy has been determined by reason of forfeiture under the conditions or covenants in such lease.

Compiled Laws p. 274.) The forcible entry

We think the lawwas correctly laid down

udgment cannot be disturbed. Exception overruled. W. R. Castle for plaintiff; J. M. Poepoe

vas an amusing controversy in Massachusetts over the grave question whether lawyers were girl has her mother's Grecian features a benefit or an injury to the community. It was not a simple debate, which was to lead was not a simple debate, which was to lead to nothing. Many people were, in fact, greatly excited over the question, and some of the Massachusetts towns voted to instruct their representatives in the Legislature to pass an act abolishing "the order of lawyers."

One proposition was to limit the number of lawyers in the State to twenty-five, and to have them elected by the people. It was also suggested that no member of the profession should be elected to the Legislature; for it was charged that they swarmed in the House

fore a high compliment to their talents to say that they ruled the Legislature.

It appears, then, that whatever objections there may be to lawyers as law-makers, the

ness is useful to a member of Congress; but even in this respect the merchant's knowledge is apt to be more narrow in its scope, though Beginning with the year 1860, the Repub-

erals. General Grant is the only person not a lawyer who has occupied the chair of the President since General Taylor died, in 1850.

The number of a man's ancestors doubles in ward. In the first generation he reckons only two ancestors—his father and mother. In the second generation the two are converted into

Imagine a reporter in a toga philandering round for news. The following togaed items were reported by Petronies, B. C. 150:

"On the 25th of July thirty boys and forty girls were born at Tramalchi's estate at Coma. At the same time a slave was put to death for

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